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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 April 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

later: Mr. AHMED
(Vice-Chairperson)

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GE.00-41651 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Georgia (E/1990/5/Add.37; HRI/CORE/1/Add.90; E/C.12/Q/GEO/1; HR/CESCR/NONE/1999/15) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Georgia resumed their places at the Committee table.

2. Mrs. BERIDZE (Georgia) said that an ombudsman had been appointed in Georgia, elected by and therefore accountable to Parliament. Initially, the ombudsman had been required to report to Parliament once a year on the action being taken to ensure that the rights enshrined in the Constitution and in the International Covenant on Economic, Social and Cultural Rights were being implemented. A recent change meant that the incumbent had to report to Parliament twice a year.

3. She said that the Georgian people were, by nature, tolerant towards national and religious minorities. There were many such minorities in Georgia, but their presence had never been the cause of any discord. For example, Georgia had had a Jewish population for 2,600 years and it was one of the few countries in the world where pogroms against Jews had never occurred. Considerable State funds were allocated to ensure that the cultures and languages of national minorities, such as Azeris or Armenians, were preserved. During the Soviet period, the only common language among the various peoples in Georgia had been Russian. However, people had started to learn Georgian, since the Constitution provided that Georgian was the official State language. In Abkhazia, both Georgian and Abkhazian were considered State languages. Efforts were being made to ensure that the older generation were not disadvantaged through lack of knowledge of Georgian. Regarding the issue of religion, the largest religious group in Georgia was Orthodox Christians. However, while the Constitution recognized the importance of Orthodox Christianity in the country's history, it also stated that the individual was free to choose his or her religion, and relations between the various religions represented in Georgia were generally peaceful.

4. Responding to a question about discrimination against women, she said that she was Chairperson of the State Commission on Policy for the Advancement of Women, recently established by order of the President of Georgia and made up of women who played an important role in the political, economic and social life of the country. The Committee had helped to draft a presidential decree setting out the specific rights of women and positive measures to improve their situation. Those measures included a request for the Committee to draw up a three-year programme to tackle violence against women, particularly domestic violence, the incidence of which was spreading, partly as a result of the increasing glamourization of violence in films and books. There was no legislation that discriminated negatively against women; however, there were certain provisions of the law that constituted

positive discrimination in their favour. For example, women were not permitted to work in harmful conditions or underground. In general, they enjoyed a high level of respect within Georgian society.

5. It had been established practice since the Soviet period for men and women to receive equal pay for equal work. However, during that period, the breadwinner in most families had been the man, whereas currently there were many families in which the main or even sole breadwinner was the woman. Despite the high level of unemployment, it was easier for women to find work than it was for men. However, many women were unable to find jobs commensurate with their level of education.

6. Responding to a question by Mr. Texier about the number of women in top positions, she said that the situation in the executive branch was much better than in the legislative branch. Two out of 20 ministers in the previous Government had been women, along with seven deputy ministers and several heads of department. However, the traditional attitude of respect towards women was often accompanied by a belief that only men should be appointed to high-ranking positions. That belief was difficult to change. The President himself was active in his efforts to promote more women to higher levels of the executive. The situation in Parliament was much worse. Out of the 235 members of Parliament elected in 1999, only 17 were women. A presidential decree had requested Parliament to draw up specific measures aimed at increasing the number of women in Parliament and had suggested the use of quotas to achieve that end. It was to be hoped that some measures might be taken before the local elections in 2001, in order to improve the representation of women in both central and local government.

7. Regarding refugees from Chechnya, a humanitarian corridor had initially been opened in the area near the border with the Russian Federation, through which about 7,000 refugees – mainly women and children - had been admitted. However, that corridor had subsequently been closed by Russian troops; in any case, the winter weather had made it impassable. The refugees that had been admitted before the closure of the corridor were living with the local population. The Government of Georgia had been able to provide only limited assistance to the refugees, since it already had to deal with large numbers of internally displaced persons from Abkhazia and South Ossetia. It needed the support of international organizations in order to offer further help to the refugees.

8. Mr. JIBUTI (Georgia) said that the Government of Georgia and international organizations represented in Georgia had decided to keep most of the refugees from Chechnya in the same area of the country, because experience had shown that it was more difficult and expensive to provide them with aid if they were scattered over different areas. Food and medical care had been supplied by international organizations and a special programme had been set up within the Ministry of Health and Social Protection to provide funds for medical care. Another problem that had been mentioned was the return to Meskhetia of people who had been deported to Central Asia during the Second World War. There were currently no funds available to assist their return. Moreover, the area where the Meskhetians had lived was now inhabited by refugees from Armenia and elsewhere. However, a law had been adopted granting benefits to people who had been the subject of repression by the Soviet authorities, including those who had been deported from Meskhetia.

9. Most of the refugees in Georgia came from Abkhazia and South Ossetia; they lived all over the country but there were some areas where the refugee population was particularly dense. Most had been temporarily housed in proper buildings such as hotels, hospitals and schools, rather than in tents. Special laws were currently being passed to protect the welfare of refugees. In particular, they received certain benefits from the State, and the children of refugees had the same educational opportunities as Georgian children. The benefits paid to refugees were higher than the wages paid to certain State employees. The need had arisen to address the issue of refugees in a more comprehensive way, paying particular attention to the problems they faced in finding work and their conditions of employment. Refugees had the right to participate in elections in Georgia and made full use of that right.

10. The dominant religion in Georgia was Orthodox Christianity, although it was not the official State religion and did not receive any special privileges. There were many members of other religions living in Georgia and they all lived together peacefully. A law on religion was currently being drafted.

11. It was difficult to explain how the peaceful coexistence of the various national and ethnic groups in Georgia had been achieved. Since everyone had spoken Russian in the past, perhaps that lack of linguistic discrimination had influenced the younger generation. Currently efforts were being made to prevent the emergence of a language barrier; at the same time, the various minorities, such as Greeks, Azeris, Armenians and Russians, were being encouraged to preserve their own language and culture.

12. During the Soviet period, disabled people had been regarded as sick people. Georgia had decided to adopt a different approach, based on the principle of treating the disabled as healthy people with just one physical defect and integrating them into society as far as possible. That approach was laid down in the Constitution. Social rehabilitation centres for the disabled had been opened and various programmes were being implemented, including one designed to help disabled people to find jobs. A small amount of progress had been made, but other infrastructural problems such as the poor state of the roads and the lack of lifts in buildings made it difficult to integrate disabled people fully into society.

13. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Georgia on Nos. 15 to 21 in section III of the list of issues.

14. Mr. TEXIER, referring to the written reply to question 15, asked what the unemployment rate was as a percentage of the working population. He would also like to know whether any specific programmes had been implemented or were planned to combat youth unemployment and long-term unemployment. He asked whether insecure jobs were included in the statistics given and emphasized the importance of the right to decent work.

15. Referring to the written reply to question 17, he expressed concern that the minimum wage was only 19 per cent of the amount needed for subsistence. That figure was far from fulfilling the requirements of article 7 of the Covenant. He asked what measures were envisaged to raise the level of the minimum wage and whether any workers were paid even less than the minimum wage.

16. The number of work-related accidents, though relatively low, had increased between 1997 and 1998. He would like to know what programmes were in place at both State and company level to prevent such accidents and whether there were any regulatory or legislative measures covering them. Were the courts empowered to hear cases of violations of the Labour Code that resulted in accidents at work? Although Georgia had ratified many International Labour Organization (ILO) conventions, it had not yet reported to the ILO Committee of Experts on the Application of Conventions and Recommendations. He would like to know whether it intended to do so in the near future, since that Committee's reports were very useful to the Committee on Economic, Social and Cultural Rights.

17. Mr. CEVILLE, referring to paragraph 49 of the report and the written reply to question 16, requested information about the progress of the State job-creation programme.

18. Mr. CEAUSU, noting the extremely low level of the minimum wage, asked what wages were generally earned respectively in the private and public sectors. How could anyone be expected to work for one-fifth of the amount required for basic survival? Either the minimum subsistence level was artificially high, or workers had other sources of income which allowed them to make ends meet. The report provided some information on industrial accidents, but was somewhat lacking when it came to describing the way in which the labour inspection services were organized at the national and local levels. How many employees worked for such services? Did inspectors have the power to close a plant or a work site if an employer did not observe the labour protection standards?

19. Mr. AHMED expressed concern at reports that the Government had curbed expenditure by stopping the payment of salaries to public servants. According to one report, by early October 1998 the 24,000 employees of the Interior Ministry had not been paid for five months, and the staff of the Defence Ministry had not received their wages for three months. Neither ministry was receiving money for operating costs. A military rebellion such as the one that broke out in 1998 could easily recur for economic rather than political reasons. There were reports that desertion from the armed forces was common.

20. According to the annual report of the United Nations Resident Coordinator in Georgia, the Government had by the end of 1997 received hundreds of millions of dollars in loans and aid from the International Monetary Fund and the World Bank. What were the Government's priorities in the allocation of such foreign aid? Surely one of the priorities should be the payment of salaries for the military and the police force.

21. Mr. PILLAY asked whether the problem of the non-payment of salaries and pensions affected only the ministries of defence and the interior, or whether the entire public service was subjected to the same treatment. The delegation had referred to mismanagement in the tax collection and customs duties services as being one of the sources of the problem. Were the tax collectors and customs officials themselves receiving their salaries? What measures were being taken to remedy the situation and disburse back pay to public servants?

22. Mr. TEXIER asked how the level of the minimum wage was set. While the report indicated that it was set by the President, it was unclear whether any collective bargaining was

involved in establishing an acceptable level. What was the role of collective bargaining by trade unions and employers' organizations in setting out conditions of work, occupational safety and health standards, work schedules and other matters?

23. Mr. JIBUTI (Georgia) said that the unemployment statistics in the report were official figures which reflected the number of people registered as being unemployed. The criteria for registering people as unemployed were very strict, and only persons who registered gained entitlement to unemployment benefits. However, those benefits were very low, and many job seekers who came to the State employment offices did not actually register as unemployed. The official unemployment figure was thus significantly lower than the actual level of unemployment. As for the real unemployment rate, it could not be determined with any accuracy for a number of reasons. For example, persons who owned more than one hectare of land were excluded from entitlement to benefits and were therefore not able to register. Admittedly, that policy might not be the best, as the State was in that way linking the entitlement criteria to the level of property ownership. Estimates of the real unemployment rate in Georgia currently ranged from 20 to 25 per cent of the economically active population.

24. As for the breakdown of unemployed persons by gender, the figures were generally reliable. Approximately half of the unemployed were women. There had been an upsurge of unemployment among women at the beginning of the economic reforms, when the State restructured and cut back funding for such traditionally female sectors as health care, but since then the proportion of women had levelled off at about 50 per cent.

25. There was also a problem of hidden unemployment. Many workers remained on the payrolls of enormous factories and industries which had practically shut down, although they received no wages and did not actually work there, because they hoped that once the plant resumed its activities they would have a job waiting for them. Such workers were considered to be on "long-term leave" and would often avoid registering as unemployed persons.

26. The Government had programmes to cope with unemployment, which was a relatively new phenomenon. In 1992 the Government had adopted an Employment Act which established a system for State regulation in that area. The Act established State unemployment benefits, job centres and employment centres to enhance the skills and qualifications of unemployed persons both individually and collectively. Although that system was in place, it had not functioned effectively in the past two years, as an unprecedented economic crisis had literally swept away entire sectors of the economy. People had been thrown out of work in enormous numbers, and as a result the quantity of people left jobless sometimes actually exceeded the number still in employment. While the situation was gradually improving, wages remained low, as wage reform had not been carried out as thoroughly as it should have been.

27. Georgia had recently begun to step up cooperation with the International Labour Organization (ILO), and the Government intended to submit a report to the ILO in the near future. Despite the fact that the country had already adopted a new Employment Act and a Collective Contracts and Agreements Act, it still required assistance in the field of industrial relations, for example in redrafting the Labour Code. The tripartite commission composed of employers' and workers' representatives and the Government had only recently met for the first time. One reason was the lack of experience of trade unions and employers' organizations in

such cooperation. The Government wanted to ensure that the social funds that it had established would work in an effective and transparent manner, and was attempting to involve those organizations in that effort, in particular by including trade union representatives on the management boards of the state health care, social insurance and employment funds.

28. Work centres had recently been opened in cities particularly hard hit by unemployment, such as mining towns where virtually the entire population had been laid off. Such work centres had been established with the help of other States and international organizations, with a view to enhancing the qualifications of workers, for example in basic computer skills. Legal and psychological aid was also provided.

29. Workers who were unemployed for extended periods qualified for public works jobs under a programme for the long-term unemployed. Some of the activities, for instance, brought water to small towns or improved conditions at schools and hospitals. A social investment fund was run with assistance from the World Bank, and farmers' credit unions were also active in job creation. In 1999 the Government adopted an Act which stipulated that 3 per cent of the proceeds from privatization should be earmarked for a fund to support small enterprises. While all those measures were being implemented, their success or failure depended to a great extent on the economic situation in the country, which was currently quite difficult.

30. The minimum wage was not linked to any economic index. The sole purpose of setting a minimum wage had been indirectly to increase tax collection. When the minimum wage had been set at 9 lari, the State had decided that workers earning that wage would not pay income tax. As a result, nearly all the workers in the private sector had also declared salaries of 9 lari, although they actually earned more. When the Government had later set the minimum wage at 20 lari, it had done so to ensure that taxes would be paid at least on 11 lari per month. In 1992 average wages in the public sector had amounted to only the equivalent of two dollars per month. The inflation rate had been very high, and as a result the only goods affordable to wage earners had been basic foodstuffs produced domestically. At that time, the minimum wage had been set at about 50 per cent of the minimum subsistence level. The minimum wage was decided by the President on a yearly basis, and was being revised upward slowly so as to keep it in line with the minimum level in the public sector. Unfortunately, wages in the public sector still lagged significantly behind those in the informal private sector, which currently had a major influence on the Georgian economy. Private agricultural production, for example, was a major economic sector which was predominantly informal in nature and was thus not taxed.

31. Collective bargaining arrangements functioned only in the few sectors where they were feasible. For example, railroad workers and workers in one or two other industries were covered by annually negotiated agreements reached after tripartite bargaining. However, in the country as a whole, the number of collective agreements was low. Employers and workers were only just beginning to organize, and Georgian trade unions had only recently started to become active in international trade unions and organizations. However, the legislative basis existed for collective bargaining and the conclusion of collective agreements.

32. The delegation was in full agreement with the Committee members' comments that people should be able to work in dignity and earn a decent standard of living. Unfortunately, the situation was currently such that no one in Georgia had a decent standard of living according to

the standards of the industrialized countries. Georgia was facing a very complex situation, with a large number of refugees, an economy in transition and a very heavy burden from recent times. Nonetheless, the Government was attempting to draw up a new approach to determining wage levels. While cutting back on the number of workers in the public sector, it was trying to ensure that those who remained earned decent wages. Certain measures had been taken to ensure that the judiciary was independent and effective, for instance by providing judges with wages higher than those given to people working in other sectors. Similar steps had been taken for tax collectors.

33. Conditions of work were governed by a Labour Code and were the subject of inspection by various institutions. The State Labour Inspectorate was an autonomous body employing about 70 persons and was fully empowered to inspect both private and State enterprises. The technical inspection service too had wide-ranging powers, and employed some 70 or 80 inspectors. Both services were able to bring criminal charges against those responsible for violations of occupational safety and health standards. However, those standards were somewhat out of date.

34. Although the target of 5 per cent unemployment for the year 2000 might have appeared excessively ambitious, that had not been the case in 1995, when that target had first been set. As part of its social reforms, the Government was currently working on a national employment plan, although there was still no definite timetable for it.

35. Replying to a question from Mr. Ahmed, he said that the police and employees of the Ministry of Defence had not been singled out for non-payment of wages. The crisis affected all sectors and had first arisen following the sudden leap in inflation, which had been caused, in turn, by the worldwide economic upheavals of late 1998. The Government hoped to pay off all the previous years' arrears using funds earmarked exclusively for that purpose in the 2000 budget.

36. Unfortunately, the country could not choose how it spent funds it received from the World Bank and the IMF, since they were tied to specific programmes. The Georgian wage budget was worked out on the basis of current expenditure, taking account of both internal and external debts. The country was finding it difficult to escape from a vicious circle it had entered into as a result of its inadequate capital situation.

37. There was a major difference between the minimum wage and the minimum subsistence level, the former not being tied to the latter. Georgia's overriding concern in all its policies was poverty eradication, and the minimum subsistence level was intended to avoid exacerbating poverty. The delegation put the population living at subsistence level closer to 40 per cent than the 19 per cent estimated by the World Bank.

38. The CHAIRPERSON thanked the delegation and invited Committee members to proceed to questions concerning articles 8 and 9 of the Covenant.

39. Mr. TEXIER, referring to the right to strike enshrined in article 8, wished to know, given Georgia's vaunted trade union pluralism, whether many trade unions had indeed joined the International Confederation of Free Trade Unions. More importantly, he sought information

concerning restrictions on the right to strike. While the right to strike, by definition, was to be conferred on all trade union members, the report had stated that it could be denied certain categories of civil servants. He wished to know which categories were not allowed to strike, what constraints existed for those who could, how that right was regulated, and how it affected collective bargaining for wage rises and better working conditions.

40. Mr. CEAUSU, wondering how plural trade unionism really worked in Georgia, asked whether the former Soviet-style unions had been abolished after Georgia's independence or whether they had been overhauled and incorporated in the trade union system.

41. Mr. KOUZNETSOV asked why Georgia had not signed ILO Conventions Nos. 102 and 118 concerning social security and whether it intended to do so.

42. Mrs. JIMÉNEZ-BUTRAGUEÑO pointed to an apparent contradiction between paragraph 88 of Georgia's report, which listed beneficiaries of State pensions, and paragraph 98, which stated that Georgia as yet had no law on pensions except for the November 1996 Armed Forces, Internal Affairs Organs and State Security Personnel (retirement pensions) Act. She asked whether workers' contributions were the funding sources, as they were in most countries. With Georgia's elderly population an obvious topic of concern, the retirement age had been raised. She wished to know, however, the difference between women's and men's pensions. If, as in many countries, it was a dual-track system - which would discourage women from going out to work - were there any plans for equal pensions for women and men?

43. Mr. PILLAY asked for clarification as to why no positive result had emerged from the fact that, under the Trade Unions Act, cases concerning the return of State-confiscated trade union property had been heard in the independent courts, whose decisions had been upheld by a ruling of the Constitutional Court. On the subject of unemployment benefit, he sought the delegation's confirmation of the very high level of poverty suggested by the fact that only 12 per cent of the population received the minimum subsistence allowance, while 25 per cent lived below subsistence level. He was also dismayed that the subsistence allowance was 120 lari, while the minimum wage was 13 lari for public-sector and 10 lari for private-sector workers.

44. Mrs. BERIDZE (Georgia), replying to a question from Mr. Texier, said that the law stipulated how strikes should be organized. Limitations did exist with regard to emergency hospital staff, for instance. But the right to strike existed for workers, who sometimes invoked it and usually achieved the desired results. The State did not attempt to obstruct that right.

45. In reply to a question from Mr. Ceausu, she explained that Georgia's current trade unions were very different from the former Soviet-style unions. While they were still not very well established, Georgia was experiencing the development of a trade union movement similar to that in many Western countries. Also, to the best of her knowledge, Georgia had intended to accede in the near future to the ILO conventions mentioned by Mr. Kouznetsov.

46. Mr. JIBUTI (Georgia) said that while originally the Soviet-style trade unions had not actually been broken up with the change of the system, their property had on occasions been seized. Prior to 1997, the Soviet Union's regulations had made no specific mention of the

property of trade unions as such; assimilated to the State apparatus, their property was State-owned. It had been handed over to the Georgian unions. Some cases in which ownership had been disputed had been resolved in the courts. The Association of Georgian Trade Unions, which had resulted from the reorganization of the Soviet unions, was the most powerful in the country. The legal bases for trade union pluralism were the Trade Unions Act and the Civil Code. Any petition to form a trade union signed by 150 people was granted and a number of them had emerged in various sectors of the economy.

47. Georgia took an eclectic approach to the issue of social protection. Although the system had been reformed following the collapse of the Soviet system, it was perhaps not as efficient as it could be. While there was currently no differentiation among the various branches of social protection, the authorities had prepared, with World Bank assistance, a draft for the reform of the pensions system, which currently operated on the principle of solidarity. One unprecedented change had been raising the age at which women received pensions from 55 to 60 and that of men from 60 to 65. The criterion applied was length of service and past wages. However, the country was endeavouring to install a system founded on three main pillars: the first was accumulated funds, the intricacies of which were being worked out; the second was compulsory contributions; and the third would be developed once the country's financial markets had been stabilized in some degree.

48. The statute books already contained a law governing private pensions, and everything was being done to implement it efficiently. Social protection measures were being elaborated for other categories and would include law enforcement officials and former members of the armed forces. The latter received higher benefits than those paid under the basic old-age pension scheme.

49. In Georgia widows and persons temporarily unable to work received social welfare benefits based on a social tax of 27 per cent of the total wage bill for employers, and 1 per cent of workers' wages. Contributions of 3 per cent by employers and 1 per cent by workers provided the funds for a medical insurance scheme, with any deficit covered from the State budget. The solidarity principle was difficult to observe in Georgia, which had an ageing population. For every retired pensioner there was 0.8 workers, a situation that was already creating economic problems and causing inter-generational friction. The only difference between women's and men's pensions was the age of receipt.

50. The Armed Forces, Internal Affairs Organs and State Security Personnel (retirement pensions) Act determined the level of pensions for that category of persons. They were paid through the Ministry of Defence in cash or in the form of services such as medical care in hospitals established and operated by that ministry. Their pensions were four times as large as the ordinary State pension, and depended on rank and length of service.

51. In response to Mr. Pillay's question, he stressed that confiscation of trade union property was not widespread. All the same, some excesses had been investigated and all had been settled in the courts in favour of the trade union concerned. It occasionally occurred that the State or another new trade union laid claim to the property, making for disputes between unions or between a union and the State.

52. Concerning the means of survival of the unemployed, he repeated that the figure of 20 to 25 per cent referred to the registered unemployed. Some of those doubtless survived by working in the informal sector, which was unfortunately not controlled by the Government. It intended to formalize that shadow economy, not least in order to levy taxes on its activities. He agreed that Georgia had a very high poverty level, which was why poverty eradication - subscribed to by all political parties - was the leitmotif that ran through all Government policy.

53. Mr. Ahmed, Vice-Chairperson, took the Chair.

54. Mrs. JIMÉNEZ-BUTRAGUEÑO inquired about the second of the three pillars on which the pensions system would be based. She cautioned that the Committee had examined many cases of countries which, having changed to distributive pension systems, failed to respect acquired rights. She also wished to know whether Georgia, like some other countries, would pronounce it unconstitutional that, unlike widows, widowers received no pension. Lastly, she expressed dismay that members of the armed forces, who rightly already enjoyed many perquisites in all countries, should receive a higher pension than university professors or diplomats, for instance, solely on the basis of their type of work rather than length of service.

55. Mr. ANTANOVICH said that it appeared from the information provided by the delegation that the national pension system had more or less collapsed. As matters stood, it was virtually impossible for the Government to pay pensions at a level that was meaningful in current economic conditions. He noted that the pensionable age had been raised, presumably in an effort to reduce the number of persons drawing a pension. That was not typical behaviour for a country with high rates of unemployment: usually, retirement age was lowered in an attempt to release jobs for younger workers. Currently, the system in Georgia seemed to discriminate between different groups of workers. If so, it would constitute a serious breach of the country's international commitments. It was his understanding that the Government hoped in time to create a new system that would include private pensions. When did the delegation think that the Government would be in a position to do that? For the time being, there was no guarantee that pensioners would ever receive enough to live comfortably in their old age, which was clearly a very undesirable situation.

56. Mr. JIBUTI (Georgia) said that he believed that the components of the new pensions system would be the three pillars he had tried to describe. Clearly, the capitalization of the system would be linked to financial developments and to the growth of a market economy. The Georgian economy was in a state of chaos and it was unlikely that a new system could be brought into effect in the near future. It was also unlikely that private pension systems could develop quickly in the near term, although they did constitute an alternative possibility. The task currently facing the Government was to erect a system that was able to cope with the large and increasing number of persons of pensionable age. The current ratio of under one worker for each retired person of pensionable age made a system based on solidarity impossible. It was hoped that before the year was out legislation could be adopted on pensions that would take into account all the country's problems. Discussions were taking place with the World Bank regarding the possibility of a loan that would make it possible to restore a normal pension level for the current generation of retirees. At the same time, it was hoped to bring in a system for

younger workers based on the principle of capitalization. He agreed fully with the comments regarding the inadequacy of the current system, but he would urge the Committee to bear in mind Georgia's domestic situation.

57. The CHAIRPERSON invited the Committee to proceed to article 10, protection of the family, mothers and children.

58. Mr. HUNT said that he had been struck by the statement in paragraph 135 of the report about the limited use of modern methods of contraception owing to a general lack of awareness of such methods on the part of the public and to the absence of any public information effort in that connection. Could not something be done about the lack of information, given the importance of the issue to public health? It would not cost a huge sum of money to mount an information campaign, and international agencies such as the United Nations Population Fund could be approached for assistance. Reproductive health was a human rights issue of great importance to women that could be addressed in Georgia without great expense.

59. Mr. ANTANOVICH said that the delegation's response to question 29 of the list of issues provided a great deal of information on efforts to prevent juvenile delinquency and to meet the needs of young people. He was particularly interested, however, in what was being done for homeless children. The list of issues referred to children begging on the streets, but such children were not necessarily homeless. He would like to know more about the overall approach to real street children and the reasons which had led them to live in that way.

60. Mr. GRISSA said that one problem in regard to article 10 was how the family was to be defined. He asked whether the change of political system in Georgia had altered the concept of the family. Had the economic upheaval drawn families closer together or had it accentuated the process of disintegration?

61. Mr. SADI asked what the perspective of the Orthodox Church was on sex education. Was the national viewpoint affected by the position taken by the church? In regard to marriage, he noted that people as young as 16 were able to marry. According to the Convention on the Rights of the Child, a person of 16 was still a child. Was there likely to be any change in the definition of marriageable age?

62. Mrs. JIMÉNEZ BUTRAGUEÑO said that she was puzzled by the lack of information on the issue of violence against women, both in the report and in the replies to the list of issues. If the problem existed in Georgia, as she believed it must given its prevalence worldwide, she would like to know what was being done about it. She would also like to know whether juvenile delinquency constituted a major problem and whether there was much drug addiction among young people.

63. Mr. TEXIER noted that it was stated in paragraph 127 of the report that the number of marriages had fallen from year to year since 1989. Had there been any concomitant increase in the number of couples living together without marriage, and, if so, did the children of those unofficial unions enjoy the same rights as children born in wedlock? It was also stated in the same paragraph that divorce had become rarer. Where divorce occurred, however, did men and women have equal rights? For example, was custody of the children systematically awarded to

the wife or were both parents given custody, or could custody on occasion be awarded solely to the father? He noted that the Labour Code contained provisions regarding maternity leave and safeguards that prohibited the dismissal of pregnant women and new mothers. He would like to know whether those provisions were actually put into effect. It was unfortunately not rare, in many countries, for pregnant women not to be given their old jobs back.

64. Mr. CEASU said that he too would like to know whether the Georgian Civil Code and Family Code drew any distinction between children born in and out of wedlock, especially in respect of the laws on inheritance. He noted that there were sizeable Muslim communities in Georgia. He would be interested to know whether the provisions of the codes were in fact applied or whether traditional practices took preference.

65. Mr. PILLAY said that it was stated in paragraph 134 of the report that the numbers of recorded sexual assaults on women were small. According to a relevant report by the United States Department of State, however, spousal abuse was a leading cause of divorce in Georgia. A private shelter for abused women had apparently been opened, but there seemed to be no governmental supporting services. He asked whether there was any specific legislation against domestic violence and sexual harassment.

66. The CHAIRPERSON invited the Committee to take up Article 11, the right to an adequate standard of living. The Georgian delegation would have an opportunity to reply to the questions on both Articles 10 and 11 at the next meeting.

67. Mr. THAPALIA said that it was clear from a number of recent reports that poverty and hardship were widespread in Georgia. The social safety net had been shredded and growing inequity was falling heavily on those unable to pay for social services. He had found it stated in a country profile of Georgia that, at the end of 1996, 65 per cent of the population lived below the poverty line. He would like to know whether the actual percentage of the population living below the poverty level had gone up or down over the last five years, and what measures the Government was undertaking to reduce poverty. What was the percentage of the population in each of the five categories of poverty established by UNDP?

68. Mr. GRISSA said that the right to adequate food was dealt with at length in paragraphs 161 to 173 of the report. He asked what the impact of the reported deterioration in the food supply after the fall of the Communist system had been on the health of the population in general and on the nutritional state of children in particular. Were there any cases of actual malnutrition among children?

69. Mr. HUNT said that he had a very specific question regarding poverty levels. According to material prepared for UNDP's 1999 Human Development Report, 50 per cent of Georgians were living below the official poverty line of 102 lari per month. It had apparently been proposed that the level should to be changed to 52 lari per month. That would of course reduce the official number of poor people dramatically, overnight, to 11 rather than 50 per cent. The document went on to say that UNDP found the proposal difficult to accept and hoped that the Government would maintain the current level of 102 lari. He strongly supported the UNDP

position. He asked whether the poverty line had in fact been changed to 52 lari per month and, if it had not, could the delegation assure the Committee that there was no plan to reduce the level in that way?

70. Mr. PILLAY pointed out that the poverty line and the minimum subsistence level were really the same thing. Since minimum subsistence had been set at 92 lari a month, the poverty line had in fact been brought down from 102 lari.

71. Mr. CEASU drew attention to a discrepancy in the figures for meat production in 1996 and 1997 in the French text of the reply by the Government of Georgia to the list of issues. Judging by the figures given later for animal produce in the 1994-1998 period, there was a typing error in the French text.

72. The CHAIRPERSON suggested the Georgian delegation might respond to the Committee's questions on articles 10 and 11 at the next meeting, after which the Committee would proceed to article 12, the right to physical and mental health.

73. Mrs. BERIDZE (Georgia) thanked the members of the Committee for their thoughtful and detailed questions. The opportunity to look at the situation in Georgia through the Committee's eyes would be of great help to the Government in planning its future course of action.

The meeting rose at 6.00 p.m.